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Honorable Fred Van Sickel

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JUL 17 2007

JAMES R. LARSEN, CLERK  
DEPUTY  
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOHN R. ATCHLEY, a married man; )  
MICHAEL GILROY, a married man, )  
Plaintiffs, ) No. CV 04-452-FVS  
vs. )  
PEPPERIDGE FARM, ) STIPULATED  
INCORPORATED, a Connecticut ) PROTECTIVE ORDER  
corporation, )  
Defendant. )

**STIPULATION FOR PROTECTIVE ORDER**

The parties by and through their undersigned counsel agree to entry of the Protective Order attached hereto. The Stipulation was entered into following

STIPULATED PROTECTIVE ORDER - 1

PAIN HAMBLIN LLP  
717 WEST SPRAGUE AVENUE, SUITE 1200  
SPOKANE, WASHINGTON 99201-3505 PHONE (509) 455-6000

RECEIVED

JUL 17 2007

CLERK, U.S. DISTRICT COURT  
SPOKANE, WASHINGTON

ORIGINAL

1 review and negotiation of draft language, and upon recommendation of the  
2 Discovery Master, The Honorable Harold D. Clarke, Jr. (Ret.).  
3

4 The parties further stipulate that this Stipulation and Protective Order can  
5 be presented for entry by the Discovery Master.  
6

7 PAIN HAMBLEN, LLP

MURPHY, BANTZ & BURY, P.S.

9 By: Approved Telephonically  
10 David L. Broom, WSBA #2096  
11 Attorneys for Defendant

By: Approved Telephonically  
John F. Bury, WSBA #4949  
Attorneys for Plaintiffs

## 1 PROTECTIVE ORDER

2 Pursuant to FRCP 26(c)(7) the court finds that good cause exists to protect all  
3 parties to this cause, and non-parties from annoyance, undue burden breach of an  
4 expectation of privacy and expense from the public disclosure of confidential  
5 documents or produced in discovery by the parties;

6 1. This Protective Order ("Protective Order") shall govern the treatment  
7 and handling of all documents or other products of discovery produced hereafter  
8 by the parties, to include, also information and documents produced following or  
9 pursuant to plaintiff's motion to compel dated August 17, 2005.

10 2. The Court hereby designates all documents and information hereafter  
11 produced in discovery and statistical and record information previously furnished  
12 regarding the Western Region thrift return under the Civil Rules to be confidential  
13 (hereafter Confidential Information) and thus subject to the terms of this protective  
14 order.

15 3. Therefore documents discovered in this cause shall not be disclosed  
16 or disseminated by counsel to any other person or entity, with the following  
17 exceptions.  
18

1           a. Documents part of any required filing with or submission to a  
2 government entity.

3           b. Use of such documents for trial preparation by paralegal or  
4 secretarial staff of counsel is allowed by this Protective Order, subject to all other  
5 conditions of this Protective Order which govern counsel's attorney's use of such  
6 confidential information;

7           c. Documents discovered may be provided to expert witnesses, or  
8 consultants by counsel provided such expert witnesses or consultants, before being  
9 allowed to see any confidential documents in writing acknowledge receipt bound  
10 by the terms of this Protective Order. The prohibition of this paragraph shall apply  
11 in all circumstances, including, but not limited to, depositions in this case.

12          4. All persons having access to Confidential Information made available  
13 pursuant to this agreement shall agree not to make any use of said Confidential  
14 Information except in connection with the above-captioned litigation and shall  
15 further agree not to deliver or transfer said Confidential Information to any person  
16 not previously authorized by the terms herein.

17          5. Counsel disclosing Confidential Information to any person or entity  
18 shall be responsible for limiting distribution of the Confidential Information to  
19 those persons who both (1) have a need to know the information, and (2) are  
20

1 authorized to receive the information under this Protective Order. Counsel shall  
2 be prepared to account for the disposition and use of the information by those  
3 persons.  
4

5       6. All copies or purveyance of Confidential Information disclosed under  
6 this agreement shall be subject to the same restrictions as imposed on the original  
7 information.  
8

9       7. All documents discovered thereafter disclosed to any person pursuant  
10 to this Protective Order shall remain in the possession only of counsel, the parties,  
11 or the experts or consultants to whom they are disclosed as provided by this order.  
12

13       8. Following final termination of this litigation, counsel for the  
14 furnishing party may request that any and all documents furnished in discovery, or  
15 copies thereof, be returned to furnishing counsel; *provided that* any such request  
16 must be made within a reasonable time following termination of this litigation.  
17 Upon such request, all requested documents and copies shall be returned to  
18 furnishing counsel.  
19

20       9. Discovered documents may be disclosed in regular proceedings of this  
21 court subject to agreed methodology for maintaining confidentiality and clerks  
22 papers, witness and exhibit indexes, and the like.  
23

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10. No modification or amendment of this Protective Order is permitted except by a writing signed by counsel for the parties and approved by the court. The parties hereto agree that it is unreasonable to rely on any oral modification or amendment of this agreement.

11. The failure to insist upon full compliance with any of the terms of the Protective Order in any instance shall not be deemed to be a waiver of the right to insist upon full compliance with those terms thereafter.

12. Any violation of the terms of this Protective Order shall subject the violator to sanctions as determined by the court.

## PROTECTIVE ORDER

Pursuant to IRCP 26(c) and the foregoing Stipulation of counsel,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that this Protective Order shall and it hereby does incorporate the terms set forth herein.

DATED this 16<sup>th</sup> day of July 2007.

HONORABLE HAROLD D. CLARKE, JR. (RET.)  
DISCOVERY MASTER

1 **PRESENTED BY:**

2 PAIN HAMBLEN, LLP

3 By: Approved Telephonically

4 David L. Broom, WSBA #2096

5 Attorney for Defendant

6 **COPY RECEIVED AND NOTICE  
7 OF PRESENTMENT WAIVED:**

8 MURPHY, BANTZ & BURY, P.S.

9 By: Approved Telephonically

10 John F. Bury, WSBA #4949

11 Attorneys for Plaintiffs

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